

**Legislative Rule-Making Review Committee**

**Monday, August 22, 2016**

**Senate Judiciary Committee Room**

**1:00 p.m. to 3:00 p.m.**

Senate

Maynard, Chair Present

Boley

Karnes Present

Miller Present

Snyder Present

Sypolt Present

House

Sobonya, Chair Present

Frich, Vice-Chair Present

Hanshaw Present

Moffatt Present

Rowe Present

Fleischauer Present

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 1:00 p.m. on Monday, August 22, 2016. The meeting was called to order by the Chair, Senator Maynard. A silent roll call was taken by the Clerk as reflected above. Staff present included: Jeff Johnson, Senate Counsel; James Bailey, Senate Counsel; John Reed, House Counsel; Seth Gaskins, House Counsel; Charlie Roskovensky, House Counsel; Jared Wyrick, Senate Clerk; Beth Lovell, Senate Clerk; James Fuerhoff, House Clerk; Kim Jeffrey, House Clerk; and Mark White, House Clerk.

Jeff Johnson, Senate Counsel, presented an overview to the committee regarding S.B.619 – Regulatory Reform Act (passed 2016 RS) and responded to questions from committee members.

With unanimous consent, Delegate Sobonya requested the bill’s original author, James Bailey, Senate Counsel, be permitted to answer technical questions. Consent was given.

John Reed, House Counsel, explained his abstract on the rule proposed by the **Dangerous Wild Animal Board, Dangerous Wild Animal Rule, 74 CSR 1**, and responded to questions from committee members.

Delegate Moffatt moved to amend the rule to include 74-1-1.5, a sunset provision for five years from the effective date of the rule. The Board agreed to this modification, so with unanimous consent, Delegate Moffatt withdrew his motion to amend, and the rule was modified accordingly.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Seth Gaskins, House Counsel, explained his abstract on the rule proposed by the **Office of Miner’s Health, Safety and Training, Certification, Recertification, and Training of EMT-Miners and the Certification of EMT-M Instructors, 56 CSR 22**, and responded to questions from the committee.

Bill Tucker, Office of Miner’s Health, Safety and Training, responded to questions from the committee. Delegate Frich requested that the Office recalculate the cost data. The Office agreed to the modification.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

James Bailey, explained his abstract on the rule proposed by the **Board of Physical Therapy, Fees for Physical Therapist Assistant, 16 CSR 4**, and responded to questions from the committee.

Delegate Sobonya moved to approve the rule. The motion was adopted.

Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Dentistry, Rule for the WV Board of Dentistry, 5 CSR 1**, and responded to questions from the committee. Mr. Roskovensky stated that the Board agreed to all technical modifications.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Medicine, Licensing and Disciplinary Procedures: Physicians and Podiatrists, 11 CSR 1A**, and responded to questions from the committee. Mr. Roskovensky stated that the Board agreed to all technical modifications.

The committee moved to eliminate the word “remarkable”. The motion was adopted.

Robert Knittle, Executive Director, Board of Medicine responded to questions from the committee.

Delegate Fleischauer moved that further consideration of the rule be moved to the foot of the agenda. The motion was adopted.

Charlie Roskovensky, explained the provisions of his abstract on the rule proposed by the **Board of Medicine, Licensing and Disciplinary Procedures, Continuing Education, Physician Assistants, 11 CSR 1B**, and responded to questions from the committee. Mr. Roskovensky stated that the Board agreed to all technical modifications.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Charlie Roskovensky, explained the provisions of his abstract on the rule proposed by the **Board of Registered Professional Nurses, Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct, 19 CSR 3**, and responded to questions from the committee. Mr. Roskovensky stated that the Board agreed to all technical modifications.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Registered Professional Nurses, Limited Prescriptive Authority for Nurses in Advanced Practice, 19 CSR 8**, and responded to questions from the committee. Mr. Roskovensky stated that the Board agreed to all technical modifications.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Upon returning to consideration of the rule promulgated by the **Board of Medicine, 11 CSR 1A**, Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Upon motion by Delegate Sobonya, the meeting adjourned.

